

In The United States District Court
For The District of Delaware

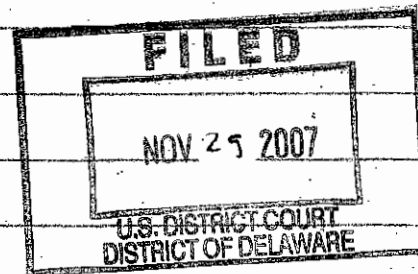
Rettel F. Hartmann,
Plaintiff,
v.

Andrea Maybes-Freud, et.al.,
Defendants.

C.A. No. 1:06-CV-00340-***

Nov 27, 2006

Motion For Preliminary Injunction and
Temporary Restraining Order



Plaintiff is Entitled to A Temporary Restraining Order and/or Preliminary Injunction

In determining whether a party is entitled to a Temporary Restraining Order and/or Preliminary Injunction, courts consider four elements below. Each of these elements favors the granting of this Order.

A. Plaintiff is threatened with irreparable harm:

The Plaintiff Mr. Hartmann alleges that He is denied his Constitutional Rights ~~of~~ and Federal Rights and State Statutes. The continuing deprivation of Constitutional Rights constitutes irreparable harm; Elsod v. Burns, 427 U.S. 347, 373 (1976).

B. The balance of hardship favors the Plaintiff:

The Defendants will ~~have~~ ^{have} expenditure of funds which will have to be proven by them to comply with TRO/ ~~and~~ and/or P.I. laws. It is in the interest of laws, rules, and regulations for which were created for purposes favoring Mr. Hartmann, who suffers continued illegal prison conditions.

C. ~~Mr.~~ Mr. Hartmann's likelihood of success on the Merits:

The laws are clear on the issues, deliberate indifference nature among Defendants is clear by their actions and history; its systemic and systematic.

D. The relief sought will serve the public's interest:

Because it will uphold the laws of the land, ^{as per Complaint and Amendment} correct the damages as much as possible, prevent future damages, and stop the undermining, treasonous like actions of these Defendants and others doing similar actions in this State to other citizens similarly situated, regain respect for our Justice System and prevent the degradation of this State and Nation by the evil forces here at work. ADA, RA, PAM, PIR.

~~Mr.~~ Mr. Hartmann should NOT have to post security because he has been made indigent by State employees abusing their authority and obstructions to justice, in the interest of justice for all, ^{for} due process and equal protection of the laws.

The Court may waive said posting of security. Chantes - Hernandez v. Smith, 541 F.Supp 351, 385 n.30 (C.D. Cal. 1982).

Because of imminent dangers of life - mine also,
 Needed for medical specialists referrals, mental health specialist referral,
 cease and desist obstructions to access to information, resources, and
 tools for proper access to the courts, and any prison conditions which
 qualify for same, and immediate proper professional oversight of all medical
 type areas to stop abuses of pain, suffering, greater damages to an inmate,
 enforcement of ~~some~~ Disability Laws which are plain, and proper patients
 rights be permanent, publicly posted + strictly enforced.

This Plaintiff, and as one of classes, have had no plain, adequate, legal, or complete remedy at law to redress the wrongs described herein. Plaintiff has been and will continue to be damaged irreparably by the conduct of these Defendants unless this Court grants the relief below which this Plaintiff seeks by law, and as one of the classes he is in.

Relief Requested and Needed

Injunction is needed due to ongoing illegal practices by Defendants, money damages will not fix my injuries, and as one of classes, without this Court's help, Plaintiff, and class members, will likely continue to suffer illegal harm. I will likely succeed at a trial because claims are by law, except maybe one new precedence needed. I, too, will continue to suffer more if injunction is denied, than the Defendants will suffer if it is granted due to precedence, systemic and continuous deliberate indifference Defendants should know as any reasonable layperson can see. The injunctions will thus serve the public interest to uphold the laws of the land and stop the damages, and have Defendants do their duties without wrong state of mind or conflict of interest.

Preliminary and permanent injunctions are needed to Order Defendants involved in each violation to have State, timely provide ^{proper} policy and procedure to:

1. Enforce the federal Water Safety Act for all wards of State.
2. Enforcement and public postings of proper Patients' Bill of Rights.
3. Follow all preventive, diagnostic, and treatment options for proper medical care as per related association standards.
4. Quality assurance staff will cause no more grievances needing to be filed by wards of state by properly caring for any symptom in a professional manner.

5. Appoint independently certified Court Monitor to have no conflict of interest or wrong state of mind in any intention as state-wide systemic problem exists, until all infractions are corrected, and is reinstated if a new state contractor is contracted to provide any service directly or indirectly, to any ward of state, to insure all generally accepted professional standards continue, and are improved upon in an ever more modern, civilized, and decent society, and new proper, research exposes.
6. Provide direct communication line in person to Monitor for all wards of state after ~~state~~^{department} exhaustion for grievances to insure communication is occurring, as it has not been by systemic, deliberate difference to an effective grievance system. Past history of Defendants shows continuous inability to self-monitor.
7. Competent, effective, independent Institutional Grievance Chairpersons be appointed, and properly staffed to resolve grievances legally. To timely authority to enforce and uphold the laws of the land, not to extend damage to any ward, nor cause clogging up of courts with unnecessary Civil Complaints if Defendants, et.al., did their job, and were held accountable in lower echelons.
8. Court certify the grievance procedures if state chooses to continue to use a grievance system.
9. Implement proper policy and written procedure for timely, enforceable imminent danger or emergency grievances for proper relief; medical and regular grievances. How does a Ward get imminent relief when grievance system and communication to wardens, medical director are ignored? Proposal - ward allowed immediate use of telephone, or if unable someone in his place, to call an ~~Inspector~~ Inspector General or Monitor who can and will act by law to stop damages.

10. Patients Bill of Rights, all inclusive, be permanently posted in all medical waiting areas. And noted for Point-of-Contact for proper relief.
11. Monitoring to insure timely transportation to outside medical services referred to.
12. Proper relief to stop running out of medication to save money, failure to order or distribute in a timely manner, or failure to renew medication in time.
13. Every new detainee and convicted person, or otherwise in state custody be informed properly of all their rights and privileges by law custodians should uphold for them and how to get timely relief from failure to do duty; ^{DOC} approved intake checklist for facilitators with sufficient detail with handouts of contacts information and important detail required to be done, for each ward of state to understand. To be monitored properly and regularly update the intake class orientation.
14. Both, State and Federal Administrative Procedure Act be enforced by some state office for all state departments and lower government echelons, especially Dept of Corrections. see notices and hearings under these Acts be properly, timely posted for all wards of state to properly participate before any change, implementation, or alike.
15. All wards be called annually for proper dental -checkups as for physicals is being done.
16. 'Water-Pic' method be properly provided to each ward.
17. State Governor's Memorandum of Understanding be enforced by Monitor and state employees for each state agency to support its purposes particularly the Dept of Correction, Dept of Services for Children, Youth, and Their Families, ie to preserve protect families when family member is in custody, Dept of Justice, Dept of Public Libraries, Councils,

42 USC § 12101

Depts responsible for Administrative Procedure Act, American Disabilities Act, Rehabilitation Act, and others mentioned herein, and yet to be discovered, State should know of, from illegal cover-ups of information.

18. Proper enforcement of professional mental health staff duties by Monitor, et al.

19. Proper enforcement of professional dental staff duties by Monitor, et al.

20. Proper enforcement of professional optometry duties by Monitor, et al.
all of these as should have been done if professionals did not have a conflict of interest, wrong state of mind intentions, or other selfish pervasion to duty and professionalism.

21. Federal agencies enforcement of government funds received that they are used as intended, and not discriminatorily used against Plaintiff mentally disabled inmate, upon info and belief by Community Legal Aid Society, ^{In} employees or volunteers, to uphold disabled's rights, privileges, and/or immunities.

22. All obstructions be removed for timely, equal, effective, meaningful, capable, and adequate access to information and libraries for each ward of State.

23. ~~Signed Defendants~~ Intake orientations, perhaps weekly, for new in custody and those who want to retake the orientation for personal reason, to include rights of federal acts like the American Disabilities Act and Rehabilitation Act custodians have a duty to uphold for all wards of State.

24. Provide the minimum required living space of 64 sq ft per ward, and more for mentally disabled per professional standard.
Remove obstructions ~~from~~ ^{from} being locked up 78% of the time in one's cell, with a celly or NOT, causing the common areas living space to

to
not be available. Open common areas up after court clears in appropriate
~~minimum~~ minimum and medium security areas. Any ward that cannot
behave can be properly written-up and moved to high security, ~~at~~
the current mass punishment and regimentation must stop because of
its damages well known of by experts in the field of penology, as Defendants
should know.

25. Provide ^{policy and procedure for} five days good time for all those wards 'accepting' to
live in less space than humanly proper for good-time, per month.

26. ^{Provide proper policy and procedure} All bathrooms and showers be doubled since occupancy
doubled wrongfully, or occupancy be reduced to half which is the
original building capacity in certain buildings.

27. All bathrooms and showers have permanent, and immediate
repairs, partitions between each fixture to block sight in a
civilized society, with doors on toilet stalls and showers, like
all other proper public bathrooms and showers like at government
facilities.

28. Dept of Corrections, or alike, of Delaware be fined for any violation
daily prolonged, and each ward treated uncivilized be properly
compensated for any illegal condition we have been forced to live in
due to custodians/Defendants deliberate indifference to professional conditions
and standards.

29. Monitor or someone become an advocate for proper conditions
for wards of State since none exists in this mini State, as larger
states have. All other wards unable or disabled to uphold their rights, as I.

30. Removal of all obstructions to truly, equal, effective,
meaningful, capable, and adequate access to medical and health information
for each ward.

OK

31. Refund all monies taken, from each indigent ward of State, for photocopies fee of legal materials like at the law libraries and any other place like the business office, plus current interest, compensation, and restoration,
32. Provide written policy and procedures, in a professional timely manner as for all other relief, for Dept of Corrections policy allowing personal, private property or government provided property allowing laptops and their accessories, with a 1' security cable and padlock permanently attached, for each ward of State.
33. Provide written policy and procedures, legally by Administrative Procedure Acts for all other new or changed policy, for providing free legal mail postage and supplies for all indigent wards. Refund, restore, compensate all monies taken for this for each ward.
34. On intake orientation for all new in custody, provide policy and procedure by Dept of Corrections, written purpose of Delaware Center For Justice and any other support services for Delaware Wards and their families, job descriptions of any of those employees or volunteers any ward may receive ANY assistance from, and any assistance a family member may receive Any assistance from, including any state and federal employees.
35. Provide ^{proper} written policy and procedures for all wards of State use of State Mail system, including any class entitlement or other service as should be provided like for indigents and mentally disabled.
36. Do what needs to be done to stop all illegal mail censorship, or non delivery to recipients, or failures to provide appeal notice of censorship or alike to wards / recipients / addressee of mail and alike.
37. DOC grievance system be immediately corrected, overseen, and provided proper policy + procedure of enforcement of upheld grievances, or be totally scraped, and be certified by a court.

38. Independent and neutral inmate grievance chairperson ^{or similar status} be made an independent job opening under State Personnel, to stop the obstruction of justice, for timely enforcement of laws, and stop the abuse, neglect, exploitation, and/or invidious discrimination of wards of State.

39. All natural and vegetarian menus be provided properly for those wards signing up for them, with plenty of food to not go hungry any more.

40. Unannounced monitoring regularly of actual food portions served on each tray for each ward, to stop abuses and leaving hungry from chowhalls. Served for proper nutritional amounts, ~~being~~ due to chowhalls supervisors continues inability to do their professional duty.

41. Enforce DOC policy to use 'least restrictive means' to correct any problem among wards ^{and} staff, not just protective custody as the only other means to correct volatile situation, Options like moving a ward to another cell or trade with a compatible ward, to another tier, or building. To stop the punishment of use illegal conditions in Protective Custody here at Delaware Correctional Center, upon info and belief. And to not punish the victim, but the perpetrator(s) be moved.

42. Classification staff be enforced to follow laws for mentally disabled, proper mental health evaluations, properly updated annual mental health evaluations for every ward of state, for proper treatment and rehabilitation, before assigning a bed in proper, non-damaging organized and harmonious environment, and to reduce recidivism properly by actually treating wards, and not just superficial token treatment.

43. Transfer Request Form be available for each ward to change for any good reason such as incompatibility with celly, as other professionally run prisons do, to move or be moved to another bed,

cell, tier, building, for an 'organized and harmonious' environment for proper treatment conditions.

44. Proper accommodations be provided by each custodian knowing and applying housing rule that all legal materials of active and contemplated case(s) are allowed to be in wards private possession, or have daily, easy access without requiring a correctional officers assistance because of their swaying momentary attitudes, like for unlocking something, unless that is a wards choice to put up with, as a proper custodian would. Also see proper size storage locker be provided to every ward permanently installed at each bed. Proper minimum size surely atleast 5' tall, 2' wide, 18" deep, ~~the~~ filled with shelves one foot apart.

45. That professional ~~standards~~ standards, more privileges be applied to lower security level housing, to not be all like maximum as here at Delaware Correctional Center, except for some token ~~more~~ commissary. Trouble makers are written-up and moved; but not for current mess punishment to continue, and harmful regimentation for proper socialization.

46. Timely information from the internet be provided free in printed form from commissary profits or other source for education, First Amendment rights to speech, press, expression, communication, information; to stop cruel and unusual punishment to be kept ignorant, and for e-mail, and personal web-sites. By any proper means possible.

47. Provide self-service copier in law libraries as in Gander Hill Prison and others, to stop removing, speech, communication, denial of press and information, at proper competitive rate as 5¢ charged on the outside, not some monopolistic, exploitative fee, commissary profits should subsidize like paying for all the equipment, for which funds are intended.

48. Proper risk management studies and impact study before implementation of any taking, loss of wards interest in life, liberty, property, or humanity, in an ever more modern, civilized, and decent society.

49. Require a correctional association membership for risk management and proper professional standards, to stop ostrich effect, reduce law suits and grievances, and to properly inform ~~the~~ State Legislators constantly from an independent source about new research and professional penological management, which obviously has not been done here in Delaware Dept of Corrections before, to stop the abuse, neglect, exploitation, and/or insidious discrimination against the mable or disabled wards,

50. All obstructions be removed which hinder family relationship improvements, as should be.

51. Sick call slips be timely handled in 24 hours for appointments in 24 hours prioritized by severity, but no later then 48 or 72 hours if an unusual peak or overload comes about,

52. Remove all obstructions to legally and ethical 'Good health' care by State Statute. Good defined as per Webster's Office Dictionary as: favorable, fertile, bountiful, attractive, sound, whole, agreeable, pleasant, wholesome, considerable, full, conforming to a standard, commendable, virtuous, kind, competent.

I 53. Systemic deficiencies historically in staffing and following professional standards was/is denying the also, proper, Good health care ~~by~~ making more unnecessary suffering inevitable for injunctive powers.

I 54. Irreparable damages and ongoing untreated damages require preliminary injunction.

I 55. All the failures to uphold the law of the land need

48. Proper risk management studies and impact study before implementation of any taking, loss of wards interest in life, liberty, property, or humanity, in an ever more modern, civilized, and decent society.

49. Require a correctional association membership for risk management and proper professional standards, to stop ostrich effect, reduce law suits and grievances, and to properly inform the State Legislators constantly from an independent source about new research and professional penological management, which obviously has not been done here in Delaware Dept of Corrections before, to stop the abuses, neglect, exploitation, and/or insidious discrimination against the unable or disabled wards,

50. All obstructions be removed which hinders family relationship improvements, as should be.

51. Sick call slips be timely handled in 24 hours for appointments in 24 hours prioritized by severity, but no later than 48 or 72 hours if an unusual peak or overload comes about,

52. Remove all obstructions to legally and ethical 'Good' health care by State Statute. Good defined as per Webster's Office Dictionary as: favorable, fertile, bountiful, attractive, sound, whole, agreeable, pleasant, wholesome, considerable, full, conforming to a standard, commendable, virtuous, kind, competent.

I 53. Systemic deficiencies historically in staffing and following professional standards was/is denying Me also, proper, Good health care ~~by~~ making more unnecessary suffering inevitable for inmate powers.

I 54. Irreparable damages and ongoing untreated damages require preliminary injunction.

I 55. All the failures to uphold the laws of the land need

~~62~~ State ensures future prevention.

62. State Attorney General's office received this initial Civil Complaint several months ago, and upon information and belief, NOTHING has been done to correct ANY of these violations, for continuous deliberate indifference, moving force to wards rights, and ~~their~~^{State's} duties, having and continuing to violate public trust. Proper relief as appropriate.

63. State needs to provide Me, and class members, professional preventive and curative medical management plan to try all possibilities to cure, instead of only prescribing Me also only cover-up prescription of symptoms only when I become aware of them, which is sometimes too late or fatal, or handicapping.

64. State needs to insure that ~~that~~ I should have received or at least offered flu, pneumonia, and Hepatitis vaccinations upon custody when they are the professional standard, and whatever else should have been and been denied due to ~~lack of~~^{lack of} Patients Rights yet upheld.

65. State ~~failed~~^{needs} to ensure only qualified licensed medical staff performed their authorized duties. Reference Ali, Thomas Chunks, etc ~~to~~ to be determined, upon info and belief.

66. State and Defendants ~~failed~~^{needs} to ensure Me timely, ~~good~~ good screening, assessments, evaluations, treatments, and structured, therapeutic conditions and activities for all, as I, entering or developing medical needs while in custody.

67. Psychiatrists need to be in sufficient number, collaborate with staff in professional standards of mental health services management as well as clinical treatment, to communicate problems and resource needs to Warden and, ~~on~~ upon info and belief, Warden failed to act for medically appropriate autonomy for clinical decisions at this facility, or at least

was responsible to ensure it occurred. Mental health staff needs to be of sufficient number depending on changing needs of the wards of state. Staff must never be allowed to work in too great a case load for proper services and results for each ward of state.

68. Mental Health staff must reinstate a sex offender treatment program, because of increasing cases, and lack of licensed staff now pretending.

69. State needs to ensure all state employees who work with wards of state can recognize symptoms of mental illness, especially in pretrial for timely, proper care.

70. Defendants, et al., need to be able to recognize and know how to handle abuse, neglect, exploitation, or discrimination by other inmates or inmates who are unable to communicate the problems, ^{new conditions} ^{surrounding} for themselves. And also to stop taking advantage of disabled, mentally ill, by other inmates, which further damaged me in this unprofessional, tortures and terroristic environment run by custodians with wrong attitudes and beliefs, causing more damage on me, as a ward.

71. State ^{needs to} ~~failed~~ to ~~in~~ ensure mentally disabled are not perished and harassed as I was by illegal search and seizure caused by jealous inmates who want to only steal or destroy others for selfish gain.

72. Private Property list in Inmate Housing Manual be increased to professional standards, not just ill-will as is conceived by the wrong states of mind.

73. State ensure treatment of mentally ill ward Plaintiff serious damaged now with a professional array and types of therapeutic conditions and conduct, and for all wards similarly situated.

74. State ensure punishment and/or harassment, abuse, neglect, exploitation or discrimination stop by education of staff and inmates during intake orientation, of others, especially mentally disabled, bullying, conflict resolution, for people like me who were very close, due to lack of education + professionalism, to being placed into isolation wrongfully from tortures and tenoristic conditions allowed by staff.

75. State ensure any punishment attempted to be imposed upon a mentally disabled person, prior to placement or punishment, a qualified mental health professional determine to the extent to which the charge may have been related to mental illness, and if it is a mitigating factor when ~~was~~ treating properly by D.C. Code of Conduct with least obstructive means for the inmates involved to modify behavior if possible due to mental disability.

76. State needs to ensure that a proper intake orientation include education of one's in custody early on to prevent damage upon ~~the~~ others, to properly protect.

77. State needs to ensure wards now in custody who have not received this new orientation, be also given the prevention education and be informed of all their rights, privilege, and immunities, grievance procedure, and alike. Inmates who have been warehoused here for many years are still very angry and on edge, thus actually not sufficiently educated and ~~to~~ treated. Some are still rapists doing their predatory activities to the unaware so ~~the~~ ^{allowed} ~~allowed~~ by the custodians. Thus, this also causes spread of disease of those who don't tell their possessions, who are criminally spreading disease.

78. State needs to ensure every new convicted person receives a thorough, proper mental health evaluation to actually care and

treat the person as should be government's duty to not cause recidivism.

79. State needs to ensure to conduct professional quality assurance programs for risk management, impact studies prior to implementation, and enforcing professional standards internally, to stop systemic deliberate indifference, ostrich effect, which has plagued this State historically. Quality assurance would prevent recurrence.

80. ~~State~~ Proper policies and procedures, written, and readable by inmates to follow them, and to stop the arbitrary and capricious actions by a staff member out of control, abusing, neglecting, exploiting, and/or invidiously discriminating against an inmate, for better accountability lacking here with deliberate indifference.

81. Legal libraries must be open 12 hours a day per precedence of 9th Circuit, if no other unobstructed access to info is provided, for each Ward.

82. Affirm constitutional or federal deprivations in training, control, and/or moving force.

83. Proper convalescent care be provided by policies and procedures for any ~~and~~ illness or injury professionally needing such, such as my spinal cord injuries. Proper MRSA relief by qualified medical staff.

84. All relief that should be provided needs written policy and procedure, for all to read anytime, unobstructed, timely implemented.

85. And whatever relief should be provided.

I 86. Preliminary + Permanent injunction(s), Declaration, or whatever is proper for timely removal of all obstructions to information. Custodian Carroll to provide a point-of-contact to obtain any printed information legally possible like from the internet in a timely manner (5 working days turn-around time). Maybe public library researches via state mail could do it, as their law says.

Prayer For Relief

No just and sufficient relief can be provided in this case.
 For proper compensation for deliberate indifference to these rights,
 privileges, or immunities against each Defendant involved,
 jointly and severally.

For Punitive damages be ordered by this Court ordering Defendants to pay.

A jury trial on all issues triable by jury.

For Plaintiff costs, fees, expenses, ~~taxes~~ taxes on awards in this suit.

Any other relief this representative Court of these United States of America
 deems appropriate to restore proper conditions for me and those similarly
 situated, to correct any of the custodians duties to prevent any further damage
 to any ward of this State.

Verification

I have read the foregoing complaint and hereby verify that the matters
 alleged herein are true, except as to matters alleged on information
 and belief or alike, and as to these, I believe them to be true. I certify
 under penalty of perjury that the foregoing is true and correct.

Completed at Smyrna, Delaware on Oct 3, 2007. Resubmitted corrected Nov 27, 2007.

Detlef F. Hart

DETLEF F. HARTMAN

SBI NO. 229843

Plaintiff

Delaware Correctional Center

1181 Paddock Rd., T2

Smyrna, DE 19977

This is the best I can do
 under these circumstances.

17M Detlef Hartmann
SBI# 24848 UNIT 12-10
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977



Legal Mail

Legally Protected Mail

United States District Court

Office of the Clerk

844 N. King Street, Lock Box 18

WILMINGTON, DE

19801-3570